

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION MEETING**

Anchorage, Alaska, October 5 – 7, 2011

October 5, 2011

Council Members Present:

Anna Attla
Julie Broyles
Art Delaune
Don Enoch
Kathleen Fitzgerald
David Flynn
Dean Gates
Eric Gebhart, Chair
Taylor Gregg
Heidi Haas
Tara Horton
Janet Ogan
Margaret Kossler
Kaleene Lamb
Ernest Manzie
Sharon Miranda
Ric Nelson
Sean O'Brien
Lelia (Lucy) Odden
Robert Petersen
Justine Sheehan
Amy Simpson
Donna Swihart
Tonja Updike
Fred Villa

Council Staff:

Millie Ryan, Executive Director
Teresa Holt, Operations Director
Rich Sanders, Program Coordinator II
Carrie Predeger, Research Analyst III
Jennifer Jones, Program Coordinator I
Sheryl Cobb, Admin. Assistant
Michelle Jenkins, Office Assistant
Patrick Reinhart, Program Coordinator I
Jasmine Woodland, Intern
Josie Boggs, Intern
Marcy Rein, Intern

Prepared by: Paula DiPaolo, Peninsula Reporting

Wednesday, October 5, 2011

CALL TO ORDER – 1:00 p.m.

Roll Call

READING OF COUNCIL'S MISSION STATEMENT

Lucy Odden recited the Council's mission statement.

ANNOUNCEMENTS

Don Enoch announced that they finished their special education directors' training, the hearing officers' training, and the compliance investigators' training.

Ric Nelson provided Council members with a handout on dealing with people who have speech impairments.

APPROVAL OF THE AGENDA

Chair Gebhart announced that they would be hearing a brief presentation from **Janet Ogan** regarding adult foster care today, which should be added to the agenda.

Amy Simpson MOVED to approve the agenda as amended. The motion was **APPROVED**.

CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest to declare by any Council members.

APPROVAL OF THE MAY 2011 MEETING MINUTES

Amy Simpson MOVED to approve the May 2011 minutes as presented. The motion **PASSED**.

APPROVAL OF COUNCIL BUDGET

Millie Ryan reviewed the FY'11 and FY'12 budgets with the Council members.

Kathy Fitzgerald MOVED to approve the Council's budget as written. The motion **PASSED**.

INTRODUCTIONS

Council members took turns introducing themselves.

DISCUSSION OF COUNCIL BYLAWS AND PROCESS FOR CONSIDERATION OF POSSIBLE REVISIONS

Chair Gebhart stated that the Council has been tasked by the federal reviewers to review their bylaws. He noted that the last time the bylaws had been reviewed was 2005. He noted that the

revisions to the bylaws need to be presented to the Council at least 30 days before any type of action is taken, and it needs to go through two meetings before it is adopted. His goal is to have revised documents sent out to all Council members in December. At the January meeting they would have their first reading. At the May meeting they would pass the second reading, at which time they would have their revised or amended bylaws.

Chair Gebhart then reviewed all the potential changes or revisions he made to the bylaws.

He asked for a discussion regarding term limits and noted that three consecutive term limits had been suggested. Term limits do not apply to those Council members who have been appointed to fill an agency seat.

Millie Ryan further explained that they don't necessarily have to have term limits, but during their review, it was suggested that they consider it because it brings fresh perspective to the Council when new members are appointed. **Millie** also explained what the make up of the board is required to be.

Discussion ensued.

Dean Gates suggested asking the State Department of Law to review their proposed bylaws regarding term limits.

Chair Gebhart continued to review further changes to the bylaws.

A discussion ensued regarding whether or not committee chairs should be elected by the full Council, their individual committee, or by the Council chair.

CHAIR'S REPORT

Chair Gebhart referred Council members to his report behind the green tab and highlighted the following:

- Executive Committee members
 - Travel schedule and meetings attended
 - iTACC - Information and Technical Assistance Center for Councils
 - Trust Budget Meeting
1. Hub - \$350.0 GF/MH
 2. Council Operations - \$150.0 GF.MH
 3. Project SEARCH - \$100.0 GF/MH
 4. Services for the Deaf - \$150.0 GF/MH
 5. Employment for People with Developmental Disabilities - \$150.0 GF/MH
 6. Rural Transition Services - \$100.0 GF/MH.
- Meeting with Commissioner Streur
 - Projected Council Chair Travel from October through January 2012

- Council Structure and Operational Goals
 1. Monthly personal contacts from Executive Committee to each Council member
 2. Fully functioning committees
 3. Utilize State Plan to guide and focus Council work
 4. Complete revisions of the bylaws by May 2012 and timeline.

EXECUTIVE DIRECTOR'S REPORT

Millie Ryan reviewed her report with Council members and highlighted the following:

Staff Changes:

- Heidi Frost currently the executive director for the Statewide Independent Living Council
- Jasmine Woodland, political science intern
- Josie Boggs, Masters in Social Work intern
- Marcy Rein, Masters in Public Health intern.

Council Operations:

- 2012 – 2016 State Plan was submitted
- A version of the State Plan will be developed for the public and disseminated upon approval
- Prototypes of the Council logo available.

SESA:

- Patrick Pillai has accepted a one-year contract as executive director for SESA
- Provided an overview of the Council and the responsibilities of the SESA board during an all-staff meeting on August 15
- Full SESA board met September 19 – 20
- Next SESA board meeting is December 8 – 9.

Capacity Building and Systems Change:

- Developed a recruitment manual for community providers serving Trust beneficiaries
- Transitioned responsibilities for the Alaska Alliance for Direct Service Careers.

Collaboration

- Participated in a variety of different committees and groups across all life domains including advocacy/leadership, community supports and services, early intervention, education, employment, and healthy living.

Advocacy:

- Met with congressional staff regarding Council's Five-Year State Plan, autism, employment, health care, and transportation
- Met with Commissioner Hanley and Commissioner Streur
- Provided public comment and input on proposed regulations, plans or initiatives:
 1. AHFC Five-Year Consolidated Housing Plan
 2. AMHTA FY'13 budget recommendations

3. DHSS FY'13 budget recommendations, personal care assistance
4. DSDS financial accountability policy
5. State Board of Education and Early Development – HSGQE.

EARLY INTERVENTION COMMITTEE REPORT

Amy Simpson reviewed the following activities and priorities of the EIC:

Activities:

- Participated in the OSEP Mega Conference and pre-conference SICC meeting
- Completed indicator report with recommendations for the State ILP
- Coordinated with Stone Soup Group and identified new staff representative for EIC
- Participated in completion of Part C service guidelines
- Participated in development of State Part C regulations
- Began process of commenting on state/federal Part C regulations
- Participated in Part C coordinators meeting.

Priorities:

1. Advocate for an expansion of eligibility for ILP services to all Alaskan children with a 25 percent delay or greater
2. Address concerns about early intervention services for children who are deaf and hard of hearing
3. Advocate for Early Intervention Family Alliance chapter in Alaska
4. Support Stone Soup Group to host an annual parent conference
5. Increase EC/ILP highly qualified workforce and increase EC/ILP staff recruitment and retention
6. State ICC duties.

EDUCATION COMMITTEE

Tonja Updike reviewed the following activities and priorities of the Education Committee:

Activities:

- Participated in the OSEP Mega Conference
- Coordinated with Stone Soup Group and LINKS to identify committee members
- Participated in Stone Soup Group Transition Center advisory board
- Assisted ATLA in Midnight Sun Assistive Technology Conference
- Assisted in planning ASSEC
- Participated in FASD education subcommittee
- Completed indicator report for DEED
- Participated in DEED stakeholder meeting on disproportionality
- Participate in State Board of Education meeting and provide follow up to Commissioner Hanley
- Prepare for federal Part B regulation review and comment.

Priorities:

1. Advocate for alternative routes to graduation with diploma for students with disabilities
2. Ensure SESA has adequate, permanent funding
3. Create/advocate for programs to increase the special education workforce with Alaskans
4. Advocate for training for regular education teachers on special ed and 504
5. Support statutes/regulations on restraint and seclusion in schools at the state and federal level
6. SEAP duties.

DEVELOPMENTAL DISABILITIES COMMITTEE

Kathy Fitzgerald reviewed the following highlights of their activities since May and the DD Committee's priorities as follows:

Activities:

- Reviewed DD Registry monthly
- Waiver cost study
- Supported employment survey
- Meeting with Commissioner Streur
- Provided testimony to CMS regarding SDS changes
- Discussions about intensive active treatment denials
- Meeting with TSA
- "You Know Me" campaign featuring Ric Nelson – TV commercial and print ad.

FY'12 Work Plan Priorities:

1. Rate review methodology
2. Direct Service Provider (DSP) living wage
3. Autism insurance
4. Alaska Comprehensive Behaviors Collaborative – Hub
5. Supporting self-advocacy organizations
6. Housing
7. Ongoing activities
 - I/DD Registry review
 - Support the Family Waiver Training
 - Supported employment
 - Self-advocacy organizations
 - Key Coalition
 - Monitor quality assurance
 - Project SEARCH quarterly updates
 - Trust focus area work group participation
 - Medicare/Medicaid

LEGISLATIVE COMMITTEE

David Flynn referred Council members to his presentation slides and stated that the three

position papers they are currently working on are the Hub, SESA, and autism insurance.

David Flynn discussed the Super Committee briefly and asked that Council members be ready to discuss this issue during the Friday session.

Teresa Holt stated that the bills of importance are contained in Council members' binders in the Legislative Committee PowerPoint.

RURAL SERVICES AD HOC COMMITTEE

Anna Attla reviewed the activities of importance and the work plan for the Rural Services Ad Hoc Committee as follows:

Activities of Importance:

- Attended broadband briefing by the Institute of Social and Economic Research at UAA
- Update from Online With Libraries project
- Alaska Broadband Task Force meeting with FCC.

Committee Work Plan:

1. Advocate for technology and telepractice in Alaska
2. Advocate for improved secondary transition services in rural areas
3. Research state and federal telepractice regulations
4. Research ways to use telepractice in DD system to improve services.

ADULT FOSTER CARE

Janet Ogan stated that they had some constituents come forward in the Valley who were concerned about disabled individuals aging out of the system, and they asked how the transition could be made easier. They asked about the possibility of adult foster care. **Janet** provided some brochures from the individuals that contain their stories, proposals they would like to see, and information about a plan in Oregon.

Millie Ryan stated that the DD Committee will review this information and will come up with some recommendations to make to Commissioner Streur.

Fred Villa asked that this information also be brought forth during public testimony.

RECESS

The meeting was recessed at 4:15 to prepare for public testimony.

PUBLIC TESTIMONY

Public testimony was given and a full transcript was prepared.

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Prepared by: Paula DiPaolo, Peninsula Reporting

Thursday, October 6, 2011

CALL TO ORDER – 9:00 a.m.

Roll Call

UPDATE ON DIVISION OF SENIOR AND DISABILITY SERVICES ACTIVITIES

Grants Unit

Duane Mayes stated that for FY'11, SDS expended \$13.5 million for senior grants, and \$13.8 million for DD grants. Between those two components, they have served around 25,000 Alaskans.

Currently with their senior grants they are coordinating with the Division of Public Assistance on two projects. In December they are going to move their Medicare Information Office to 4th and Gambell at the Job Center. One of the staff for the Aging and Disability Resource Center at the municipality will be relocated to the office on 4th and Gambell. They will also have an ADRC staff person located in the Kenai Job Center.

Access Alaska was just awarded a grant to assist with training volunteers to assist with the work at the Medicaid Information Office.

Duane stated that one of his tasks as director is to make sure the grant staff are going out on site and reviewing grants every two to three years. He also noted that they have been doing quite a bit of training on the logic model for their grantees.

He stated that they are going to be putting manuals on their website for all the different types of grant components including the areas of nutrition, transportation and support services, and community developmental disability grants.

Waiver Services

Duane Mayes stated that the I/DD waiver had 1,520 participants through FY'11. There was a 7.4 percent increase. They expended \$106 million in FY'11, which was a seven percent increase from the previous year. There are currently 854 individuals on the DD Registry. The average age is 19. The regional breakdown is 38 percent in the Anchorage area, 12 percent in the Interior, one percent in the Northwest, 21 percent in Southcentral, nine percent in Southeast, and four percent in Southwest.

Duane stated that they are working on the Hub in collaboration with the Council, Behavioral Health, the Commission on Aging, and other boards. He noted that last year there were ten people with developmental disabilities located out of state in ICF/MRs, and today there are about 20. He is concerned that it has doubled, and he feels that the Complex Behavior Hub is important to create capacity in the state.

He stated that the Hub begins in January, and they are going to use the results-based accountability model. They have identified six or seven performance measures. This will

provide data that shows that this project is working to reduce the numbers of out-of-state placements and reduce the numbers of people going into API.

Duane stated that there were 273 participants on the CCMC waiver in FY'11, and they expended about \$10.5 million. They had a decrease of 5.9 percent. There were 1,758 participants served on the Older Alaskans waiver in FY'11 for a 3.9 percent increase. There were 1,329 participants in FY'11 on the APD waiver with an 11.6 percent increase for a total of \$33 million.

Duane stated that the application has gone in to CMS for their waiver reapplication. He believes the new waivers will be in place by the end of the year. The waiver regulations will go along with that, and they are currently being reviewed within the Department. Once a draft has been completed, they will go out for public comment. He emphasized the importance of the Council providing input on draft regulations from all the various departments.

Their annual assessments, reassessments and initial assessments are all currently up to date. They are closing tracking their performance weekly and monitor multiple data performance measures. He stated that CMS was so impressed with their program and how quickly they turned things around that they asked them to present at the Home and Community-Based Services Conference in Washington, D.C.

Personal Care Attendant Services

Duane Mayes stated that he is concerned with the growth of this program, as they have seen an 11.7 percent increase from FY'10. They went from \$94 million to \$107 million in one year. The number of recipients served is 4,552 people. He stated that considerable growth is being forecast in the area of PCA services, and it is hard to sustain that kind of growth.

He stated that SDS was awarded a \$200,000 contract to look into the Community First Choice option which is now available through the Center for Medicare and Medicaid Services. The key components of that option is that it provides them with a six percent federal match, it will enhance and elevate and require them to do more around quality assurance and quality improvement, and it needs to be person-centered. They are hoping to have a contractor on board within 30 to 45 days.

Duane stated that they also received a \$500,000 award from the Children's Health Insurance Program to provide extensive training to Qualis staff. Qualis is the entity that reviews whether or not a waiver recipient no longer meets level of care. He stated that as a part of this, they are also going to train the Qualis physicians. He stated that the system wasn't working well in the past, and hopefully these measures will align everyone with how decisions are being made.

Traumatic Brain Injury Services

Duane Mayes stated that there are around 10,000 Alaskans who live with a disability due to traumatic brain injury. Each year an additional 800 Alaskans are hospitalized for TBI. Of that number, 650 will survive. An estimated 40 percent have permanent disability, and currently there are approximately 260 Alaskans with traumatic acquired brain injury that qualify for

medical assistance.

SDS is the lead agency to move SB 219 forward, which mandates that they develop a comprehensive program of research, planning, and services for traumatic brain injury, and then they need to implement a case management program. He stated that they put out a \$300,000 grant that was awarded to Access Alaska to provide case management services. They are going to be targeting 100 people.

The other piece is to develop a longitudinal study on those who have TBI and develop a registry of that. So the Trust has put forward \$130,000 to SDS to hire a research analyst to begin the process of doing that longitudinal study. They are moving forward on that.

SDS also has a mini-grant program that provides grants of \$2,500 for the purchase of goods and services needed to improve independence. They have a total of \$200,000 for FY'12.

Adult Protective Services

Duane Mayes stated that Adult Protective Services helps to prevent or stop harm from occurring to vulnerable adults. Vulnerable adults include adults 18 years of age or older, and the harm they suffer may result from abandonment, abuse, exploitation and self-neglect. He stated that HB 150 and SB 86 are bills put forth to enhance Adult Protective Services. The Governor has brought these bills forward.

Other Important Issues

Duane Mayes stated that he has been participating on the Long-Term Care Steering Committee, and of the 20 people participating on the committee, **Millie Ryan** is a member representing the Council. Agnew:Beck is the contractor providing support to this committee. They have developed a draft PowerPoint presentation that they are going to present to the Health Care Commission.

Duane stated that in terms of quality assurance, they have been enhancing the QA in terms of doing site reviews with providers and waivers. They are providing more technical assistance, and doing more with the internal evaluation process and establishing performance measures. A continuous quality assurance plan has also been developed.

Duane also stated that training has also become a big priority for the Division.

Ric Nelson asked if there is an age study to accompany the increase in growth of PCA services. Duane stated that he will get that information and send it to **Millie Ryan**.

Kathy Fitzgerald informed Duane about the fallout they are seeing as a result in the changes made to the waiver plans regarding intensive active treatment. She stated that their concern is not only the safety of the general public, but also for the victims and the individuals who have these inappropriate behaviors.

Kathy Fitzgerald also shared her concerns that the acuity portions of the regulations fly in the face of best practices in that people have to have 30 days of documented case notes before they can apply for acuity, and then basically what you're getting is just another body. She stated that provider agencies are going to have to do an intervention, and they are not even assured that they are going to be reimbursed for what they are doing, or that person is going to be sent to API or Outside.

Duane Mayes asked to be invited to the DD Committee meetings to discuss these items further or to set up a separate meeting where they can address these issues before comments are due on the regulations.

Carrie Predeger asked if there were any plans to do an update to the new reports and publications page, because the last one was published in the first quarter of 2009. Duane stated that they would like to get back to that.

Millie Ryan stated that when the reapplication went in, there ended up being a time crunch, so it went in without a lot of changes. The Council provided extensive input in terms of some changes they would like to work with the Division on. The Council was told was that once it gets approved, it is easier to make amendments than it is to try to do it at the time. She would like to know what the timeline is on this now and what the best process for them to do this would be. Duane stated that they could add this discussion to the meeting on IAT and acuity.

Donna Swihart asked Duane if manpower and money could be saved by reducing the level of care assessments for those individuals who will see insignificant if any change year after year. Duane stated that one of the top priorities is to provide a provider portal, an automated service plan feature to streamline the paperwork process.

DISCUSSION ON FY'13 RECOMMENDATIONS TO THE TRUST

Millie Ryan stated that the Executive Committee along with SDS and the EI/ILP program met to review the status of the FY'12 recommendations and emerging opportunities. They then prioritized the recommendations as follows:

- 1. Alaska Complex Behaviors Hub - \$650.0 total, \$350.0 – Division of Behavioral Health, \$250.0 – Alaska Commission on Aging, \$50.0 – Alaska Brain Injury Network.**
 - Comprehensive diagnostic and testing capacity
 - Individualized triage services
 - Technical assistance to providers throughout Alaska
 - Case-specific consultation and training services.

Council members brainstormed consequences of not funding the Hub which include:

- Increasing numbers of individuals placed out of state for extended periods, often losing family bonds and ties to home communities

- Continued un-budgeted, non-Medicaid general fund expense
- Cutting people off from their traditional knowledge
- Possibility of having ICF/MRs back in Alaska at a higher cost and lower quality of life
- Staff would be trained by professionals, which would increase the likelihood of staff remaining with that individual and reduce turnover
- Reduce the number of people being admitted to API or correctional institutions or being sent Outside
- Impact on the medical community and first responders
- Stress to the family structure.

Amy Simpson suggested creating a visual aid for explaining how the Hub is going to work.

Millie Ryan stated that one is currently being developed.

2. Council Operations - \$150.0 to SDS. Council fulfills five roles in state statute and is one of the largest of all boards and commissions.

- Unlike most boards and commissions, the Council has never received any general funds to support its operations
- The Council needs a stable source of GF/MH funds that it can count on from year to year to supplement other funding sources.

Council members brainstormed the consequences of the Council receiving no operating funding as follows:

- Council will be unable to fulfill its basic statutory responsibilities
- Council will have reduced ability to address the most pressing needs impacting Alaskans with disabilities.

3. Project SEARCH - \$100.0 – DVR client services. Assists in funding job coaching services for Project SEARCH interns.

- DEED provided start up and coordination funding to Council
- Local businesses with over 200 employees provide internships to students with disabilities
- Local school districts provide on-site special education teachers
- DVR provides guidance and counseling and finds time-limited job coaching services
- Community rehabilitation providers/job coaches provide supported employment services
- DSDS provides ongoing supported employment services when DVR funding ends.

Current Status of Project SEARCH

- Started as a pilot project in Anchorage and Mat-SU
- Expansion activities to Fairbanks, Kenai, and Nome
- DVR is the major funder of time-limited job coaching services and needs

additional dedicated resources to meet increased demand.

Council members brainstormed possible consequences of not funding Project SEARCH as follows:

- Continued unemployment and underemployment of students with developmental disabilities in transition to adult life
- Denying students with developmental disabilities the opportunity to get a job that has the potential to provide high wages in high-demand areas
- People with developmental disabilities have no access to training and sit at home doing nothing, lower quality of life
- People with developmental disabilities are much happier and much more fulfilled in gainful employment
- Not having programs such as Project SEARCH drive up the cost of waived services
- Programs such as Project SEARCH educate the community and businesses about the abilities of people with developmental disabilities, promotes sense of community
- People with developmental disabilities who have no employment to go to experience a regression of the skills they have learned in school
- Without continued funding, there would be a systems regression in not continuing this pilot project that has demonstrated positive results and system collaboration and progression
- Working people contribute to the tax base
- Individuals have more disposable income.

4. Services for the Deaf - \$150.0 GF/MH to DSDS – DD Community Grants

- Provide outreach, community navigation and advocacy training for deaf and hard of hearing individuals, particularly with those who are homeless or have co-occurring disabilities
- Develop deaf and hard of hearing leaders
- Provide technical assistance and training for agencies and entities serving the deaf and hard of hearing population
- Assist in the development of video phone services to link rural deaf and hard of hearing via video phone to services and support groups.

Council members brainstormed possible consequences of not funding deaf and hard of hearing services as follows:

- Continued increase in the number of admissions of deaf and hard of hearing individuals to the Alaska Psychiatric Institute
- More individuals in the correctional system.
- People who are deaf being sent Outside to receive necessary services.

5. Employment for People with Developmental Disabilities - \$150.0 GF/MH for DSDS - GCDSE

- Assist local communities to establish customized training and employment programs with local businesses
- Help coordinate program development and start-up activities
- Turn over ongoing responsibilities to local group and begin working with a new community.

Possible consequences of not funding employment for people with developmental disabilities includes:

- Inability to assist more individuals with developmental disabilities to become tax payers rather than tax dependents.

6. Alaska Rural Transition Program - \$100.0 - DEED Teaching & Learning Support, Student and School Achievement.

- Builds upon FY'10 \$150.0 increment
- Helps rural and remote communities map resources and needs, and to develop opportunities for students with disabilities in transition from school to adult life
- Increment will be used to develop a train-the-trainer system and distance-delivered materials, and provide hands-on technical assistance to help rural and remote school districts develop sustainable programs.

Possible consequences of not funding employment for people with developmental disabilities include:

- Continued unemployment and underemployment of special education graduates living in rural and remote areas of the state.

Millie Ryan then reviewed recommendations the Council made outside of the cap as follows:

1. Increment for Early Intervention/Infant Learning Program to help with the cost of CAPTA referrals for evaluation
2. Increment for Adult Protective Services
3. Increment for DD Community Grants
4. Increase in wages and benefits for direct services staff.

HOW A BILL BECOMES A LAW AND HOW IT GETS IMPLEMENTED

Jasmine Woodland presented information to the Council on how a bill becomes a law. She reviewed the following information:

The Alaska Legislature

- Alaska legislature consists of 60 members in each chamber, 40 in the House of Representatives, and 20 in the Senate

- Each chamber has the following committees:
 - ~ Finance
 - ~ Health, Education, and Social Services
 - ~ Judiciary
 - ~ Labor and Commerce
 - ~ Community and Regional Affairs
 - ~ Rules
 - ~ State Affairs
 - ~ Transportation

Different Types of Laws

- Federal statutes
- Federal regulations
- State statutes
- State regulations

Legislative Process

Jasmine Woodland stated that the legislative process a bill must take to become a law is that the bill is first read to the members of the House or Senate by the bill's sponsor. After the first reading, the bill is sent to a committee for consideration. The committee members review and discuss the bill in detail and make revisions or amendments. When it is passed out of committee, fiscal notes are attached, if they are required, and then moved to the Finance Committee. When it passes out of the Finance Committee, it then goes to the Rules Committee. The Rules Committee controls when the bills are put on the agenda for the main house.

At this time, the bill then goes through its second reading to the full house. Often there are amendments made during this second reading. When it reaches the third reading, no more changes can be made. If someone has a problem with the bill, it can be moved back to the second reading for amendments. During the third reading, if no one has a problem with the bill, the bill is voted on, and it needs a majority vote to move forward. If they don't receive a majority vote, the bill dies and the process must start over from the beginning.

According to the Alaska Constitution, the Governor either has to sign the bill or veto the bill, or they can permit the bill to become a law without signing or vetoing it.

Once the bill is signed it becomes an act and it's given a chapter number in the Alaska Statutes.

Enforcement and Implementation

After the act becomes a law, regulations must be drafted by the State, which is a time-consuming process. These regulations provide the system to manage the money that comes from the fiscal note.

Chair Gebhart explained that there are specific comment periods for individuals and entities to

provide comments on proposed regulations. **Kathy Fitzgerald** stated that it is important to provide comment on proposed regulations because the regulations may not accurately reflect the original intent of the bill.

COFFEE KLATCHES AND OTHER INTERIM ACTIVITIES

Kathy Fitzgerald stated that coffee klatches and other meetings with legislators when they are not in session can be very effective advocacy tools. She stated that in order to hold a successful coffee klatch, Council members should be sure to set their advocacy agenda and limit the topics to one or two at the most. She recommended Council members do their homework and be sure they have solutions to offer to solve the problems they are discussing.

Prior to the coffee klatch, gather a group of constituents who share the same concern and make sure that the people are from the district of the legislator you will be meeting with.

Coffee klatches can be held at the constituent's home or nearby coffee shop, or even at the legislator's office. The meeting should feel comfortable and open to discussion. Refreshments and snacks should be served.

To schedule the meeting, contact the legislator's office staff and request a meeting. Suggest a few dates and times or ask when it would be best for him or her. Staff will want to know what the topic of the meeting is.

Determine who will speak during the meeting, and remember that personal stories are a very powerful way to start. Present the facts and offer solutions or a willingness to work with him or her to find solutions. Also be sure to be clear about the "ask". Let them know exactly what it is you are asking for.

Amy Simpson asked if Council members are holding these coffee klatches as individuals or speaking on behalf of the Council. **Kathy Fitzgerald** stated that they can do it as either or. **Chair Gebhart** stated that if people are speaking on behalf of the Council, they should follow the positions developed by the Council.

Julie Broyles asked if there was a list of Council members and their districts. **Teresa Holt** stated that they are working on it and **Jasmine Woodland** will be contacting Council members to get updated information.

Julie Broyles also asked if they should be discussing any particular priority or if they should they pick their favorite. **Chair Gebhart** stated that the most authentic thing to do is pick the Council priority that is closest to their hearts.

Janet Ogan added that Representative Keller appreciates knowing what is happening in his community and knowing what the needs are. She suggested gathering more than one representative for a coffee klatch and getting more bang for your buck. She also stressed the importance of having facts and data and sharing personal stories.

Fred Villa suggested they could also hold coffee klatches at a local level with municipalities, boroughs, school boards, etc.

Heidi Haas encouraged Council members to work together in their various regions in hosting coffee klatches.

ALASKA WORKS INITIATIVE AND DISABILITY EMPLOYMENT INITIATIVE

Millie Ryan referred Council members to the PowerPoint presentation in their binders about the Medicaid Infrastructure Grants. She reviewed tips they have learned during their 11 years of MIG funding and processes and systems that have been developed as a result of this funding.

Medicaid Buy-In

Tip #1: Learn from other states, especially those states with good data – Kansas benchmark plan.

Activities:

- Obtained MIG supplemental funding to secure technical assistance from Kansas, identified specific services in benchmark plan, developed assessment tool, and submitted plan to CMS for approval.

Behavioral Health System

Tip #2: Take a three-pronged approach to sustainability: Policy development, capacity building, and resource leveraging.

Activities:

- Policy development, legislative action, regulatory process, and day-to-day policies and procedures:
 - ~ MOU between DBH and DVR
 - ~ Updated Client Status Review tool
 - ~ Integrated DBH regulations.
- Capacity building, training, partnership development, and consultation/T-A.
 - ~ Training on customized employment and Medicaid billing
 - ~ Technical assistance on becoming DVR community rehabilitation provider
 - ~ Training and technical assistance on transition for youth with SED.
- Resource leveraging: Jointly funded activities, complementary funding, and in-kind resources.
 - ~ Use of SAMHSA block grant funding for supported employment pilot sites
 - ~ Employment track during annual Full Lives Conference
 - ~ Mix of short-term and long-term transition funding for youth with SED.

Developmental Disabilities System

Tip #3: Think like an octopus and continually gather information, build capacity strategically, and plan for change along the way.

Activities:

- Developed Supported Employment Action Plan based on assessment of Alaska's practices against best practices used in other states
- Hired non-perm position to help implement action plan recommendations
- Updated and revised plan based on the results of the Peer Power meeting.

Other Tips

Tip #4: A small investment can pay a big return.

Activities:

- Invested around \$5,000 for speaker at annual Transit Conference, which resulted in the establishment of the Alaska Mobility Coalition.
 - ~ Successfully advocated for state and federal funding
 - ~ Influenced the passage of SAFETEA-LU
 - ~ Governor created Coordinated Transportation Task Force.

Tip #5: Glom onto existing initiatives and activities.

Activities:

- Built a strong working relationship with the Department of Education and Early Development
- Joint goal to improve transition of youth with disabilities into jobs and adult life
- DEED provided 100% of Project SEARCH start-up costs at three operational sites.

Tip #6: Sometimes it doesn't take money.

Activities:

- Influence State Plan priorities and strategies. DVR's State Plan reflects MIG activities to improve employment outcomes of people with mental illness.
- Comment on proposed policy. DVR changed self-employment policy to make it friendlier to would-be entrepreneurs.
- Present results and data. DVR agreed to participate in development, implementation, and evaluation of Project SEARCH.

Micro-Enterprise Program

Patrick Reinhart stated that in FY'11 they had 15 applications and 13 awards, four were for \$1,000 or less, and nine were for \$1,000 or more. There was nearly \$63,000 awarded. They received \$25,000 more this year from the Trust because the program was so successful. He stated that they are also beginning conversations with the USDA, which has additional micro-enterprise funds available.

Millie Ryan stated that another use of micro-enterprise funds is to provide funding to employ someone to work with businesses to get them up and running and grow over time.

Disability Employment Initiative

Rich Sanders stated that the Disability Employment Initiative is about staff training, building partnerships, collaborating, bringing best practices into the service providers and the One-Stop Job Centers, and implementing the Ticket to Work Program for SSI and SSDI beneficiaries by serving them through the One-Stop Job Centers.

Rich Sanders continued to highlight the following in his presentation:

Disability Resource Coordinators (DRC) Requirements

Level I:

- Disability awareness and best practices
- Participate in webinar training in all five service components of the grant
- Review and add disability links and resources to their web browser for immediate access
- Participate in accessibility reviews in their Job Center
- Follow up all training and reviews of materials with feedback and discussion with State Lead DRC.

Level II:

- All requirements of Level I DRCs
- Serve as regional leads and assist State Lead DLC
- More extensive and ongoing training in all grant service components
- Provide direct case management services to Ticket to Work customers as deemed appropriate
- Written into existing job descriptions by end of the grant.

One-Stop Employment Networks

- Juneau site was opened as an Employment Network on October 17, 2011
- Marketing begins in October
- WISE event in Juneau in November
- Staff at Juneau trained to serve Ticket to Work customers
- Posters with brochures are going to all One Stops on the Ticket to Work and Medicaid Buy-In programs
- The goal is to be serving 200 customers statewide by October 2013.

Asset Building

- State Asset Development Summit held in July. Follow-up State coalition to meet in November.
- Anchorage Financial Partnership Network held a Financial Fitness Day in September, developed a common assessment tool, and are planning for the 2012 tax season with new Super Saturday sites in Fairbanks, Juneau, and Mat-Su.
- Partnerships with financial institutions to do financial literacy in One Stops
- Real Economic Impact Tour 2011 “City of the Year” award to the Governor’s Council on Disabilities and Special Education.

Customized Employment and Self-Employment

- Training on discovery and customized employment to Level II DRCs
- Employment For All ten-part training to be used in the remainder of the grant for new staff and on an as-needed basis for Employment Network coordinators in years two and three in Anchorage, Fairbanks, and Mat-Su.

One-Stop Physical and Programmatic Accessibility

- Reviews completed at all sites by the end of November (Bethel, Nome and Kotzebue)
- Results were that most corrections were related to parking spaces and access to building, signage, and restrooms.
- Meeting with State ADA coordinator in November to coordinate corrections.

Programmatic Accessibility

- Reviews to be done the last quarter of 2011
- Accessible materials on website
- All classrooms and materials made in electronic and accessible formats
- Privacy workstations when needed
- Website upgrades for text to speech.

Collaboration

- Job Center Services Integration Committee
- Local coalitions spearheaded by trained DRCs
- Statewide “Hands Up” asset building coalition
- Alaska Workforce Investment Board
- Anchorage Financial Partnership Network.

ALASKA SAFETY PLANNING EMPOWERMENT NETWORK (ASPEN)

Millie Ryan stated that ASPEN is a partnership with the Council, the Center for Human Development, the Alaska Native Justice Center, and the Alaska Network on Domestic Violence and Sexual Assault. She explained that they have had pilots in both Dillingham and Ketchikan over the last couple of years. The overarching priority was to make sure there was a welcoming environment for survivors with disabilities, both at the disability provider and the victim services provider, and making sure that cultural humility was being applied to different service systems.

She further stated that the three initiatives for ASPEN were training and cross-training, collaborative partnerships, and policies and procedures.

Training and Cross-Training

Activities:

- Conducted further research
- Adapted materials for local use
- Provided training and cross-training
- Developed local and national resource toolkits.

Collaborative Partnerships

Activities:

- Assisted community partners to develop local strategic action plans with goals, objectives, strategies, tasks, resources needed for implementation, and integration into existing activities.
- Facilitated implementation of local strategic plans.

Policies and Procedures

Activities:

- Researched and identified a menu of policies and procedures
- Reviewed and assessed existing policies and procedures
- Assisted community partners to develop new policies and procedures.

Next Steps

- Federal funding ended 9/30/11
- Alaska Mental Health Trust Authority will provide \$150.0 in replication funding starting 7/1/12
- ASPEN partners have committed to continue meeting at their own expense until 7/1/12. They will continue to provide ongoing consultation and technical assistance to Dillingham and Ketchikan via the telephone and tag-on meetings and conferences. They will also identify a community interested in replication.

ALLIANCE FOR FULL PARTICIPATION (AFP)

Millie Ryan stated that the Alliance for Full Participation is a national effort to increase the employment of people with developmental disabilities in integrated settings. She stated that AFP challenged the states to double the number of people with developmental disabilities working by 2015. There will be an AFP National Summit November 17 – 19 in Washington, D.C., during which time there will be presentations and time for planning. During this time, state teams will share their State Plans.

Millie Ryan stated that Alaska's Alliance for Full Participation State Plan was based on the work done by Peer Power participants in April. Self-advocates from around the state discussed how working people with developmental disabilities could help non-working people with developmental disabilities and youth get and keep a job.

She stated that the state team members met in June and discussed the Peer Power recommendations and used an AFP scorecard to rank how well Alaska was doing. They then developed the State Plan.

The AFP State Plan outlines a variety of strategies under the following goal areas:

- Mentor/peer-to-peer services
- Policy changes
- Policy to practice
- Business collaboration
- Transition to adult life.

The State Plan will be revised during the AFP National Summit, and the next steps will be to implement the State Plan.

Lucy Odden discussed her presentation she made at a job fair for People First.

Millie Ryan directed Council members to the Alaska Alliance for Full Participation State Plan located in their binders.

PRESENTATION FROM AUTISM SPEAKS

Lorri Unumb and Mike Wasner from Autism Speaks participated in the Council meeting telephonically to discuss strategies for moving the autism bill through the legislature.

Lorri Unumb provided some history of states requiring insurance companies to provide coverage for autism, and noted that Indiana was the first state to provide that coverage back in 2001. She noted that the real fire storm started in 2007 with her bill in South Carolina. She stated that right now, 27 states have passed similar bills, and there are two more poised to pass.

Lorri Unumb provided the following facts to emphasize regarding autism:

- Autism is a medical diagnosis made by a medical professional

- The prescription for the treatment of autism is a therapeutic course of treatment.

Lorri stated that one statement they typically receive from legislators is that the government doesn't like to tell private enterprise what it must do. She stated that insurance laws tell the insurance industry what they must cover. She also stated that this is a classic example of where the free market has not worked, and they have several decades of experience to indicate that it has not worked.

Lorri stated that schools are required to serve children with autism, and they have done their best to offer interventions tailored towards children with autism. She stated that schools have not been able to offer adequately intensive intervention because it's more than academics that are needed to treat autism because it is not an academic deficiency. She noted that nothing in IDEA requires schools to try to remedy the underlying medical deficit. Schools have to make accommodations to help children achieve their academic objective, but they cannot and should not be charged with fixing the underlying medical problem, just as they would not with a child who is diabetic.

Lorri Unumb stated that Alaska's bill is similar in structure to the ones used in other states and it covers pharmacological care, psychiatric care, psychological care, therapeutic care, and habilitative and rehabilitative care, which in some other bills is called "behavioral health treatment". She noted that the bills do not have any dollar caps. The bill also contains language that the treatment must be prescribed by a licensed physician or psychologist, and the health insurer can't refuse to issue a policy because an individual has been diagnosed with autism.

Lorri then reviewed her PowerPoint presentation and highlighted the fact that only a third of children with autism have classic autism. The relevance of that is that it's typically only the children with the most severe diagnosis that are being prescribed the time-intensive behavior therapy programs. She noted that the significance of this is that the utilization is far less than the entire autism spectrum population, and thus the cost is far, far less than the projections given by the insurance industry, chambers of commerce, and even the fiscal analysts from the state.

She stated that the argument that behavior therapy is experimental has largely been abandoned now. She noted that 12 years ago they received statements from the Surgeon General saying that 30 years of research demonstrated the efficacy of ABA.

Kathy Fitzgerald commented that one of the arguments that they have heard is that autism isn't diagnosable by a blood test, and there are concerns that this bill would open up the floodgates to a variety of other issues. Lorri Unumb stated that just because autism happens to be a neurological issue that is not diagnosable with a blood test does not mean it's not medical. The brain is an organ of the body and there is treatment for it that can help rewire it, and health insurance should be covering it. She also noted that there are very concrete diagnostic criteria that must be met in order to receive a diagnosis of autism.

Lorri continued on to state that the prevalence rate of autism is no greater in states that have autism insurance and in states that do not. The prevalence rates have been increasing in all the states at the same level.

Lorri then went on to describe ABA therapy, the most commonly prescribed therapy to treat autism, which is a very time-intensive and costly therapy.

Lorri Unumb reviewed some studies regarding the cost to society if children do not receive ABA therapy. A Harvard study indicated a \$3.2 million cost per person over their lifetime. She then reviewed some autism claims data from Blue Cross/Blue Shield of Minnesota. She stated that the premiums went up 83 cents per month. She stated that South Carolina showed a cost per member per month of 44 cents.

Lorri reviewed a seminal study on ABA for autism out of UCLA. They divided the participants into an ABA intervention group and control group for a few years. In the ABA group, 47 percent achieved normal IQ by the end of the study and in the control group, only two percent achieved normal IQ. Those 47 percent had no IEP in school and were indistinguishable in the regular ed classroom.

Lorri Unumb then went on to review the different types of insurance: Private, state, ERISA and TRICARE. She also reviewed the Patient Protection and Affordable Care Act and state health exchanges. She stated that in the ten essential benefits that must be in every plan offered through the exchange, Autism Speaks asked for an amendment to the essential benefits package that adds the words “including behavioral health treatment”. They were successful in their amendment.

Lorri Unumb stated that she would be available if the Council would like her to speak to the legislature again.

AWARD PRESENTATION

Chair Gebhart presented an award to **Janet Ogan** to accept on behalf of **Representative Keller** in recognition of their dedication and untiring efforts to improve the lives of people with disabilities in Alaska.

RECESS

The meeting was recessed at 4:30 p.m.

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION MEETING**

Anchorage, Alaska, October 5 – 7, 2011

October 7, 2011

Council Members Present:

Anna Attla
Julie Broyles
Art Delaune
Don Enoch
Kathleen Fitzgerald
David Flynn
Dean Gates
Eric Gebhart, Chair
Heidi Haas
Tara Horton
Janet Ogan
Margaret Kossler
Kaleene Lamb
Ernest Manzie
Sharon Miranda
Ric Nelson
Sean O'Brien
Lelia (Lucy) Odden
Robert Petersen
Justine Sheehan
Donna Swihart
Tonja Updike
Fred Villa

Council Staff:

Millie Ryan, Executive Director
Teresa Holt, Operations Director
Rich Sanders, Program Coordinator II
Carrie Predeger, Research Analyst III
Jennifer Jones, Program Coordinator I
Sheryl Cobb, Admin. Assistant
Michelle Jenkins, Office Assistant
Patrick Reinhart, Program Coordinator I
Jasmine Woodland, Intern
Josie Boggs, Intern
Marcy Rein, Intern

Prepared by: Paula DiPaolo, Peninsula Reporting

Friday, October 7, 2011

CALL TO ORDER – 9:00 a.m.

Roll Call

ANNOUNCEMENTS

Chair Gebhart announced that the Executive Committee has established an Ad Hoc Committee on Medicaid Reform. **Ric Nelson** will chair that committee. Either **Ric Nelson** or committee chairs will be contacting Council members to ask for their participation on this committee. **Donna Swihart, Tara Horton, and Heidi Haas** volunteered to sit on that committee.

Chair Gebhart stated that the potential Council logos will be made available during today's meeting, and Council members will be asked to vote for their favorites.

Chair Gebhart asked for comments regarding their accommodations at the Embassy Suites hotel. The comments were very positive.

SESA MIDWEST ACADEMY – Purpose: Passage of HB 198

Teresa Holt explained that SESA is funded by the number of students in the state at a rate of approximately \$15 per student. In the last ten years, the number of students in the state has decreased significantly. SESA's funding has gone down while the need for services has gone up. She stated that they want to change the funding formula for SESA to .4 percent of the current base student allocation.

Teresa Holt stated that the other thing they would like to do is repeal SESA's sunset provision, which is up on June 30, 2013.

Chair Gebhart explained that House Bill 198 is currently in House Finance, but there is no Senate bill at this point in time. The fiscal note attached to it is \$901.5. **Millie Ryan** further explained that the most recent legislative audit recommended that the sunset be lifted.

Organizational Considerations

- Governor's Council
- SESA.

Organizational Costs

- Staff time
- Committee time
- Travel expenses.

Allies

- Alaska Mental Health Trust Authority

- Access Alaska
- State PTA
- Stone Soup Group
- State Board of Education
- Alaska Association of School Boards
- Autism Society of America
- Principals, Superintendents, and School Administrators Association
- Alaska Deaf, Hard of Hearing, and Deaf/Blind Council
- Provider agencies
- Infant Learning Program
- ATLA
- Rural school districts and families who are impacted by SESA services
- People First of Alaska
- NEA
- Alaska State School for the Deaf and Hard of Hearing
- Special Olympics
- Challenge Alaska
- AADD
- Deltana Community Services Partnership
- Foster Family Association
- Council of Administrators of Special Education, Alaska chapter
- Speech, OT, PT providers
- Rural legislators, rural caucus
- University deans of education, provosts at UAS, and Rick Caulfield – **Fred Villa**

Potential Opponents

- Conservative lawmakers
- The Governor
- Department of Education
- General public
- Non-rural legislators whose constituents are not served by SESA

Targets

- House Finance Committee
 - Stolze – **Amy Simpson**
 - Thomas
- House Finance Subcommittee on Education
 - Tammie Wilson – **Ernie Manzie**
 - Dick
 - Munoz
 - Seaton

- Petersen
- Cissna – **Lucy Odden**
- Rules Committee
 - Craig Johnson
- Senate Education Committee
 - Meyer
 - Thomas – **Art Delaune, Ernie Manzie**
 - Davis – **Lucy Odden**
 - French
 - Stevens
- Senate Finance Committee
 - Hoffman – **Bob Petersen**
 - Stedman
 - Olson – **Tonja Updike**
 - Eagan
 - Thomas
 - Ellis
 - McGuire – **Dean Gates**
- Speaker of the House – Mike Chenault – **Tonja Updike**
- Governor
- Commissioner
- Elizabeth Nudelman – DEED – **Eric Gebhart, Fred Villa**
- Reggie Joule – **Justine Sheehan**
- SPED Directors – **Eric Gebhart**

Tactics

- Collecting stories from rural educators – Education Committee has begun this activity
- Patrick Pillai from SESA has met with the superintendents and asked them to send additional stories
- Follow up with AASB in hopes of getting SESA to be a priority resolution
- Ask local school boards to pass a resolution stating that they support AASB's resolution
- Coffee klatches
- Moms and Apple Pie
- Letters to the editor, opinion page sheets – **Heidi Haas, Fairbanks; Dean Gates, Anchorage; David Flynn, Delta Junction**
- Meeting with the commissioner
- Meeting with Elizabeth Nudelman – **Eric Gebhart, Fred Villa**
- Facebook, MySpace, social media
- Legislator's Day at The Arc

- Educational conferences
- Local PTAs
- Telephone calls and face-to-face visits to legislators
- Attend town hall meetings
- Create postcards with the faces of children who use SESA services
- E-mail photos with letters
- Use listservs
- Radio talk shows
- Postings at the post office or other rural community locations
- Assign others to write letters to the editor
- Ask professional organizations to include SESA information in their monthly newsletters
- Jim Balamaci – Special Olympics, Alaska
- Parents from Title I school/PTA letter of support – **Margaret Kossler**
- Staff from schools – **Margaret Kossler**
- Child in Transition department at the District Education Center – **Margaret Kossler**
- Family School Service Coordinators - **Margaret Kossler**
- State Board of Education letter of support – **Margaret Kossler**

ALASKA COMPLEX BEHAVIOR HUB MIDWEST ACADEMY PLANNING

Kathy Fitzgerald explained that the Hub will be a resource for Trust beneficiaries who often have co-occurring disorders and are exhibiting challenging behaviors that threaten their ability to remain in their home and community unless families and staff are provided additional assistance to determine the root cause of the problem and given tools to prevent the behaviors. The Hub will consist of a pool of experts who are able to travel to the person's home community to assist with addressing the issues. This pool of expertise would not only keep people in their communities and in a least-restrictive environment, but also reduce the costs of institutional-level care.

Millie Ryan stated that they received one-time funding for the Hub of \$325,000 plus \$150,000 from the Trust for January 1 through June 30, 2012. **Kathy Fitzgerald** stated that this legislative session they are advocating for \$650,000 for the entire fiscal year. This funding will be contained in the Division of Behavioral Health's budget.

Organizational Considerations

- Governor's Council
- Behavioral Health
- Alaska Commission on Aging
- Alaska Brain Injury Network
- Statewide Independent Living Council

Allies

- NAMI

- AADD
- Special Olympics
- Families
- Key Coalition
- Direct support staff association
- Hospitals
- API
- Autism Society of Alaska
- Anchorage Coalition on Homelessness
- Municipality of Anchorage, DHSS department
- Brother Francis Shelter
- Department of Corrections and law enforcement
- FASD Statewide Partnership
- Office of Children's Services
- Emergency responders
- Office of Public Advocacy
- Cable Starlings
- Court Appointed Special Advocates
- Assisted living providers association
- Alaska Behavioral Health Association
- AgeNet
- Pioneers Home
- RurALCAP
- Animal clubs
- Schools and school districts
- Tribal health organizations
- Village governments
- Cook Inlet Housing Authority
- Cook Inlet Tribal Council.

Potential Opponents

- Conservative legislators
- The Governor
- Non-Trust beneficiaries
- ICF/MR organizations who receive people Outside or may want to open one here
- Alaska protection services
- Women in crisis.

Targets

- House Finance Subcommittee on Health and Social Services
 - Reggie Joule – **Justine Sheehan**
 - Dick – **Eric Gebhart**

- Herron – **Bob Petersen**
- Keller
- Cissna – **Lucy Odden**
- Holmes
- Millett
- Senate Finance Subcommittee on Health and Social Services
 - Donny Olson – **Justine Sheehan**
 - Davis – **Lucy Odden**
 - Meyer – **Anna Attla**
 - Coghill – **Fred Villa**
- The Governor
- The Commissioner

Tactics

- Coffee klatches
- Clarify the Hub in the position paper
- Work jointly with the sister boards prior to the Joint Advocacy Summit
- Letters to the editor
- Radio stations
- Create a visual aid of the Hub
- Determine the cost savings of instituting the Hub
- Educate legislators on the planning process that has taken place for the Hub
- Educate the community
- Be able to educate people with fewer, more concise language
- Indicate “draft” on each version of white papers.

FEDERAL SUPER COMMITTEE DISCUSSION

Millie Ryan explained that the Super Committee was created as part of the Budget Control Act of 2011 as a last-minute agreement to raise the federal debt ceiling and avoid a federal government default. The Super Committee is a 12-member Joint Select Committee.

By November 23rd, the Super Committee must make recommendations to reduce the federal deficit by at least \$1.5 trillion over the next ten years. They can propose revenue increases and/or cuts to any part of the federal budget, including Medicaid, to reach that target.

Congress must vote on any legislative language proposed by the Super Committee, without amendments or filibusters, by December 23rd. If the Super Committee is unable to reach consensus or if Congress doesn’t approve its recommendations, the Budget Control Act mandates \$1.2 trillion in automatic cuts starting in 2013. Defense and non-defense programs would be cut by \$55 billion each year from 2013 – 2021. Programs exempted from automatic cuts include Medicaid, CHIP, Social Security, most of Medicare, veterans’ benefits, and some

other means-tested programs and tax credits.

Millie Ryan reviewed the members of the Super Committee with the Council and noted that none of them are from Alaska. **Kathy Fitzgerald** asked if any of the Super Committee members are on the HELP Committee. **Millie Ryan** stated that Patty Murray from Washington is on the HELP Committee.

Millie Ryan explained that Medicaid may be at risk because any final compromise is likely to target Medicaid as one of the largest programs in the federal budget. She stated that the House proposed block grant funding for Medicaid, which would be fixed amounts of federal funding rather than sharing expenses with the federal government as states' costs rise. It would allow states greater flexibility to decide Medicaid eligibility requirements and benefits packages. She noted that a lot of services the disability community uses are optional services, such as PCAs and waivers, and are not mandated services.

Millie Ryan noted that cuts are beginning to be seen in other states. She also stated that Medicaid is the single most important public program for families struggling with the high cost of long-term services and supports for people with disabilities. Medicaid pays 62 percent of all long-term services and supports nationwide, and 50 percent in Alaska. It provides supports for 3 million people with disabilities and elders nationwide.

Medicaid also funds millions of direct service jobs, which is even more important as our population is aging. In Alaska, seniors are the fastest growing population in the country.

Millie reviewed some possible solutions:

- Pass the Medicare Drug Savings Act of 2011
- Home and community-based services are much more cost effective than institutional care
- CLASS Act – voluntary program whereby enrollees save up money towards the cost of long-term care. It's a somewhat controversial program, and there has been a recommendation to repeal it
- Continue to deregulate and simplify the tax code
- Provide tax cuts for small employers and a payroll tax cut
- Close unjustifiable tax loopholes and gimmicks that only benefit large corporations and wealthy families
- Increase the use of tele-care options
- Strengthen the use of human service programs in moving people into the workforce
- Provide additional flexibility to states in how to best use funding from federal human service programs
- Make fundamental changes in human services programs:
 - Use of funds from multiple resources for common purposes
 - Use of funds for prevention and early intervention to avoid higher costs in the long run
 - Accountability for results rather than adherence to rigid administrative procedures
 - Ability of multiple departments of government to join forces across administrative

boundaries.

Proposed Solutions to Forward to the Congressional Delegation

Council members brainstormed the following solutions to propose to the Congressional delegation:

- Increased use of home and community-based services with an emphasis of people who currently in institutional care
- If there are any cuts to Medicaid, be sure that skilled nursing care is not held harmless
- Recommend utilizing technology and tele-care
- Advocate for the utilization of technology products made for the general public but have useful applications for people with disabilities
- Allow people to purchase goods through local retailers instead of medical supply organizations, i.e., diapers at Costco
- Allow non-Medicaid providing physicians to make referrals to Medicaid providing specialists
- Reduce the number of costly audits
- Reduce the number of reassessments for people whose circumstances have not changed
- Medicare Drug Savings Act of 2011
- Reduce costs of acute care
- Develop anti-trust regulations that apply to health care
- No cuts to direct services on the ground floor without looking upward in administration
- Increase day care assistance to working mothers
- Look for solutions to get people of SSI or SSDI and out working
- Remind Alaska's delegation about the across-the-board cuts in 1986 and the impact it had at that time
- Involve programmatic people in decision making about what is cost effective
- Demonstrate that people with disabilities vote.

CLOSING REMARKS

Chair Gebhart asked Council members to be sure to vote for which of the five logos they like the best as the new logo for the Governor's Council.

Millie Ryan stated that she would like to schedule a Midwest Academy planning session on the autism insurance bill within the next month.

ADJOURN

Justine Sheehan MOVED to adjourn the meeting. The motion **PASSED** and the meeting was adjourned at 3:30 p.m.